



COUNTY OF SAN DIEGO

AIR POLLUTION CONTROL DISTRICT

BOARD OF SUPERVISORS

GREG COX
First District

DIANNE JACOB
Second District

PAM SLATER-PRICE
Third District

RON ROBERTS
Fourth District

BILL HORN
Fifth District

DATE: June 24, 2009

TO: San Diego County Air Pollution Control Board

SUBJECT: NOTICED PUBLIC HEARING - REPEAL SUBPARTS D, Da, Db, Dc OF REGULATION X AND ADOPT BY REFERENCE FEDERAL NEW SOURCE PERFORMANCE STANDARDS SUBPARTS D, Da, Db, Dc FOR BOILERS (District: All)

SUMMARY:

Overview

New Source Performance Standards are periodically issued by the U.S. Environmental Protection Agency and apply throughout the country to specified new, modified, and reconstructed stationary sources of air pollution such as boilers, which burn fuel to heat water or produce steam for use in space heating, electricity generation and industrial processes. The U.S. Environmental Protection Agency may delegate authority for administering and enforcing a federal New Source Performance Standard to State or local air agencies. Delegated authority provides a single, local point of reference for air pollution control requirements relating to a New Source Performance Standard and assists local businesses in streamlining their communication.

The Air Pollution Control District's Regulation X contains federal New Source Performance Standards that were locally adopted and for which delegation was received. Periodic amendments to Regulation X are necessary to incorporate new or amended federal New Source Performance Standards by reference. Adoption by the Air Pollution Control Board is requested for proposed amendments to Regulation X to repeal outdated versions and adopt, by reference, current federal versions of New Source Performance Subparts D, Da, Db, and Dc. These federal requirements each apply to specific boilers according to their size, purpose, and date of construction. They also establish air pollutant emission limits, require monitoring of emission rates and fuel usage, specify test methods and procedures, and require record keeping and reporting.

The Air Pollution Control District proposes seeking delegation from the U.S. Environmental Protection Agency to locally administer and enforce updated Subparts D, Da, Db, and Dc following their local adoption by reference. The updated Subparts result in no change in requirements for boilers operating in San Diego County because these boilers are already subject to equivalent or more stringent requirements of other

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Air Pollution Control District rules that were adopted pursuant to State requirements.

Recommendation(s)

AIR POLLUTION CONTROL OFFICER

1. Find that it can be seen with certainty that there is no possibility that the adoption of the proposed amendments to Regulation X may have a significant effect on the environment, and the adoption of those proposed amendments is exempt from the provisions of the California Environmental Quality Act pursuant to California Code of Regulations, Title 14, Section 15061(b)(3).
2. Adopt the resolution titled Resolution Repealing Existing Regulation X Subpart D, Da, Db, Dc and Adopting by Reference Federal New Source Performance Standard Subparts D, Da, Db, Dc to Regulation X of the Rules and Regulations of the San Diego County Air Pollution Control District.
3. Direct the Air Pollution Control Officer to request delegation from the U.S. Environmental Protection Agency to locally implement and enforce current federal Subparts D, Da, Db, and Dc.

Fiscal Impact

The recommended actions will have no fiscal impact on the Air Pollution Control District. Once delegated authority is received from the U.S. Environmental Protection Agency, the amendments will be implemented and enforced locally using existing staffing and funding identified in the Air Pollution Control District's Operational Plan.

Business Impact Statement

Federal delegation of authority to locally implement and enforce a New Source Performance Standard is preferred by affected businesses. Businesses can continue to work with the Air Pollution Control District to resolve any compliance issues that may arise rather than dealing directly with the federal agency, thereby streamlining communication.

The federal amendments to Subparts D, Da, Db, and Dc result in no change in requirements for boilers operating in San Diego County because these boilers are already subject to equivalent or more stringent requirements of other Air Pollution Control District rules adopted pursuant to State requirements. Furthermore, the updated versions of federal Subparts D, Da, Db, and Dc are currently applicable and enforceable by the U.S. Environmental Protection Agency. The recommended actions will allow the Air Pollution Control District to receive delegation of authority to administer and enforce these updated federal requirements.

Advisory Board Statement

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There was no quorum at the Air Pollution Control Advisory Committee meeting on May 13, 2009. Members present expressed support of the Air Pollution Control District's recommendations.

BACKGROUND:

Federal New Source Performance Standards (NSPSs) are regulations that establish minimum air pollution control standards for specific industries. They are issued by the U.S. Environmental Protection Agency (EPA) as Subparts of Title 40, Chapter 1, Part 60, of the Code of Federal Regulations and apply uniformly throughout the country. EPA can enforce an NSPS, but often delegates primary implementation and enforcement authority to state and local air pollution control agencies.

Subparts D, Da, Db, and Dc each apply to specific boilers, according to their size, purpose, and date of construction. These Subparts establish air pollutant emission limits, require monitoring of emission rates and fuel usage, specify test methods and procedures, and require recordkeeping and reporting.

Subpart D applies to large boilers used in steam or electricity production that were built or modified between August 17, 1971, and September 18, 1978, while Subpart Da applies to boilers used in electricity production that were built or modified thereafter. Subpart Db applies to large boilers used industrial, commercial, or institutional purposes that were built or modified after June 19, 1984, while Subpart Dc applies to small boilers used for such purposes and built or modified after June 9, 1989.

Local adoption of these Subparts, by reference, last occurred on October 17, 2001 (APCB #3, Subparts D and Da), April 25, 2001 (APCB #1, Subpart Db), and August 13, 1997 (APCB #1, Subpart Dc). Delegation of authority to implement and enforce these Subparts was received from EPA subsequent to their local adoption.

EPA has since amended each Subpart as necessary to clarify or add definitions, add exemptions, update testing methods, tighten emission standards, simplify record keeping and reporting requirements, or establish monitoring alternatives. Consequently, the existing Regulation X versions of these Subparts are now outdated. The District proposes to repeal the existing versions of Subparts D, Da, Db, and Dc from Regulation X and adopt, by reference, the current federal versions.

If Subparts D, Da, Db, and Dc are adopted by reference the District will then petition EPA for delegation of implementation and enforcement authority. Routine approval by EPA is anticipated. Delegation will allow for more efficient local implementation of the Subparts, both for the affected facilities and the District.

A public workshop was held on April 16, 2009. No issues were raised and there was no opposition to the proposed actions.

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Compliance with Board Policy on Adopting New Rules

On February 2, 1993 (APCB #2), the Board directed that, with the exception of a regulation requested by business or a regulation for which a socioeconomic impact assessment is not required, no new or revised regulation shall be implemented unless specifically required by federal or State law. The proposed adoption of federal Subparts D, Da, Db, and Dc is consistent with this Board directive.

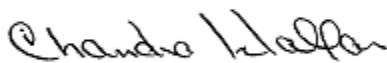
Environmental Statement

The California Environmental Quality Act (CEQA) requires an environmental review for certain actions. The District has conducted a preliminary review of whether CEQA applies to amending Regulation X of the District Rules and Regulations to update federal Subparts D, Da, Db, and Dc. Because the affected sources are already subject to these updated federal regulations, it is certain there is no possibility that this action may have a significant adverse effect on the environment. Therefore, the adoption of amendments to Regulation X is exempt from the provisions of CEQA pursuant to California Code of Regulations, Title 14, Section 15061(b)(3).

Linkage to the County of San Diego's Strategic Plan

The County's five-year strategic plan includes an Environment Strategic Initiative with an objective to reduce environmental risk through regulation, intergovernmental collaboration, and the leveraging of public and private resources. Local adoption and enforcement of federal Subparts D, Da, Db, and Dc on sources that may emit sizeable amounts of harmful emissions fulfills the objective to restore air quality, thus protecting public health and the environment.

Respectfully submitted,



CHANDRA L. WALLAR
Deputy Chief Administrative Officer



ROBERT KARD
Air Pollution Control Officer

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ATTACHMENT(S)

Attachment A - Resolution Repealing Existing Regulation X Subparts D, Da, Db, Dc and Adopting By Reference Federal New Source Performance Standard (NSPS) Subparts D, Da, Db, Dc to Regulation X of the Rules and Regulations of the San Diego County Air Pollution Control District.

Attachment B - Change Copy of Regulation X

Attachment C - Federal New Source Performance Standard Subparts D, Da, Db, and Dc

Attachment D - Workshop Report

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AGENDA ITEM INFORMATION SHEET

CONCURRENCE(S)

COUNTY COUNSEL REVIEW	<input checked="" type="checkbox"/> Yes	
Written disclosure per County Charter §1000.1 required?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
GROUP/AGENCY FINANCE DIRECTOR	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A
CHIEF FINANCIAL OFFICER	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A
Requires Four Votes	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
GROUP/AGENCY INFORMATION TECHNOLOGY DIRECTOR	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A
COUNTY TECHNOLOGY OFFICE	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A
DEPARTMENT OF HUMAN RESOURCES	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A

Other Concurrence(s): N/A

ORIGINATING DEPARTMENT: Air Pollution Control District, County of San Diego

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AUTHORIZED REPRESENTATIVE:

ROBERT J. KARD
Air Pollution Control Officer

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AGENDA ITEM INFORMATION SHEET
(continued)

PREVIOUS RELEVANT BOARD ACTIONS:

October 17, 2001 (APCB 3), Amended Regulation X to update NSPS Subparts D and Da;
April 25, 2001 (APCB 1), Amended Regulation X to update NSPS Subpart Db;
August 13, 1997 (APCB 1), Amended Regulation X to update NSPS Subpart Dc;
February 2, 1993 (APCB 2), Delayed implementation of particular new or revised regulations.

BOARD POLICIES APPLICABLE:

N/A

BOARD POLICY STATEMENTS:

N/A

CONTRACT AND/OR REQUISITION NUMBER(S):

N/A